

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Suits – High Court of Andhra Pradesh – Judgment dated 31-3-2008 W.P.No.20098/2007 and C.C.No.1242 of 2007 filed by Government Junior Colleges redeployed staff Association, Kadapa District, to allow HRA and CCA as applicable to Government Junior College Lecturers – Orders – Issued.

HIGHER EDUCATION (IE-II) DEPARTMENT

G.O.Ms.No.227

Dated:22-9-2008.

Read the following:-

- 1) G.O.P.No.10, Finance (FR.II) Department, dated 22-1-1993;
- 2) Govt.Memo.No.151/IE.II-2/2007, Higher Education (IE.II) Dept.
dt. 18-6-2007;
- 3) From the Commissioner of Intermediate Education, A.P., Hyderabad,
Proceedings Memo.No.Admn.I.A-I/1412/2006, dated 31-8-2007;
- 4) From A.P. High Court, Hyderabad, Orders in W.P.No.20098/2007 and
C.C.No.1242 of 2007, dated 31.3.2008.

O R D E R:

In the reference 2nd read above, orders were issued that the employees who are "On Duty" from Government aided colleges to Government Junior Colleges are not entitled for drawal of the HRA & CCA, at the rates applicable to the place of duty as per G.O.(P) No.10, Finance, dated 22-1-1993.

2. Aggrieved by the above orders the Government Junior Colleges redeployed staff Association, Kadapa District, has filed W.P.No.20098/2007 in the Hon' ble High Court, A.P. seeking directions for declaring the orders issued in the reference 2nd read above and the consequential order dated 31-8-2007 issued by the Commissioner of Intermediate Education, A.P., Hyderabad in the Proceedings No.Admn.I.A-I/1412/2006, dated 31-8-2007 in respect of redeployed staff as illegal, and discriminatory and for directing the respondents to treat the members of the Association equally in regard to HRA & CCA on par with the Government staff and pass such other orders or orders as may deem fit on the circumstances of the case.

3. The Hon' ble A.P. High Court in its order dated 31.3.2008 in W.P.20098 of 2007 and C.C.No.1242/2007 while allowing the W.P. and closing the C.C held that -

"It is true that HRA and CCA are fixed on cost index/population basis. Therefore, the Court is of the opinion that denying the claim of the members of the petitioner-association for payment of HRA and CCA on par with their colleagues in the Government Junior Colleges where they are deployed, cannot be said to be either unreasonable or arbitrary. What was being paid towards HRA in a "C" Class city cannot be allowed to be paid when a lecturer is deployed to Government Junior College of "A" Class city, may be on "On duty basis". HRA and CCA as applicable to the Government lecturer in the very same Junior College cannot be denied to a deployed Junior Lecturer. Denial of such benefit on the ground that G.O.(P)No.10, dated 22.1.1993 permits only payment of such allowance to those who are in foreign service and not on deputation is not correct. Very object of payment of HRA & CCA is to meet the price index, cost of living etc. Therefore, the Respondents could not have discriminated the members of the petitioner association for payment of HRA and CCA with that of the Government Junior College Lecturers, where the members of the petitioner association are working". Therefore, the impugned Memo. issued by the 1st respondent and the consequential Memo. issued by the

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2nd respondent are arbitrary and illegal; as such, they are liable to be set aside. Accordingly, the impugned Memos are set aside and the respondents are directed to extend the benefits of HRA and CCA as are applicable to the Government Junior College Lecturers in the very same College, where the members of the petitioner-association are deployed, within a period of four weeks from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is allowed. No order as to costs”.

4. The Government, after careful examination of the matter and keeping in view the directions of Hon'ble High Court in its judgment in W.P.No.20098/07 and in supersession of the orders issued in the reference second and third read above, hereby allow the redeployed employees of Private Aided Junior College Lecturers to draw the HRA & CCA as applicable to Government Junior College Lecturers in the very same colleges where they are deployed.

5. The Director of Intermediate Education, A.P., Hyderabad shall take action accordingly.

6. This order issues with the concurrence of Finance (PC.I) Department vide their U.O.No.24382/296/A1/PC.I/08, dated 12-9-08.

ASUTOSH MISHRA,
PRINCIPAL SECRETARY TO GOVERNMENT

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

To

The Director of Intermediate Education, A.P., Hyderabad.

Sri A.Ramanjul Reddy, President, Government Junior Colleges redeployed staff Association, Kadapa District.

The Secretary, Board of Intermediate Education, Andhra Pradesh, Hyderabad.

The Account General, A.P., Hyderabad.

The District Treasury Officer, A.P., Hyderabad.

The Pay Accounts Officer, A.P., Hyderabad.

The Government Pleader for Higher Education, High Court of A.P., Hyderabad.

Copy to:

The Finance (PC.I) Department.

SF/SCs

//Forwarded: By order//

SECTION OFFICER